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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DUSAN MACHO, KENNETH W. DOUROS, and SAMEER B. TOTEY

Appeal 2016-000251
Application 13/723,746
Technology Center 2100

Before DEBRA K. STEPHENS, JOSEPH P. LENTIVECH, and MICHAEL M. BARRY, *Administrative Patent Judges*.

LENTIVECH, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants[1] seek our review under 35 U.S.C. § 134(a) of the Examiner's Non-Final Rejection of claims 1, 3–7, 10–20, and 22–38. Claims 2, 8, 9, and 21 have been canceled. *See* Br. 13–20 (Claims App'x). We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm.

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[1] According to Appellants, the real party in interest is Motorola Solutions, Inc. Br. 3.

STATEMENT OF THE CASE

Appellants' Invention

Appellants' invention generally relates to the multi-dimensional, graphical representation of search queries and results. Spec., Title; 1:6–7. Claims 1 and 16, which are representative, read as follows:

> 1. A method for graphically formulating a search query, the method comprising:
>
> displaying a multi-dimensional graphical representation of a search query space, wherein the graphical representation of the search query space comprises a first axis having units of time and a second axis having units of location;
>
> receiving a plurality of parameters from a user, wherein the parameters define the search query space;
>
> positioning and sizing a multi-dimensional icon in the multi-dimensional representation of the search query space such that the multi-dimensional icon covers a period of time and a location to be searched;
>
> associating a keyword with the icon, wherein the icon contains the keyword and the keyword identifies the search query; and
>
> generating a search query based on the one or more of the keyword and multimedia content, and the position and size of the icon in the multi-dimensional representation of the search query space.
>
> 16. A method for graphically displaying results of a database search, the method comprising:
>
> retrieving search-related multi-media content from one or more databases based on a search query; and
>
> displaying the search results in a multi-dimensional graphical format on a display screen, wherein the retrieved multimedia content is displayed as one or more icons positioned in a multi-dimensional graph having a plurality of axes, wherein

> a first axis has units of time and a second axis has units of location and wherein an associated time and location of the icon defines a time and location of the search, and wherein the icon contains the keyword and the keyword identifies the search query, and wherein the icon is highlighted upon a positive search result.

Rejections

Claims 1, 3–7, 20, 22–26, 31, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of White et al. (US 2010/0332466 A1, published Dec. 30, 2010) ("White"); Hibino and Rundensteiner, *MMVIS: Design And Implementation Of A Multimedia Visual Information Seeking Environment*, Proceedings Of ACM Multimedia 96, 75–86 (1996) ("Hibino"); and Wright et al. (US 2007/0171716 A1, published July 26, 2007) ("Wright"). Non-Final Act. 3–21.

Claims 10 and 27–29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of White, Hibino, Wright, and Candelore et al. (US 2008/0226119 A1; published Sept. 18, 2008) ("Candelore"). Non-Final Act. 21–24.

Claims 11, 30, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of White, Hibino, Wright, and Nishiyama et al. (US 2003/0174173 A1; published Sept. 18, 2003) ("Nishiyama"). Non-Final Act. 24–29.

Claims 12, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of White, Hibino, Wright, and Shet et al. (US 2013/0091432 A1; published Apr. 11, 2013 (filed Oct. 8, 2012)) ("Shet"). Non-Final Act. 29–31.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of White, Hibino, Wright, Shet, and Nishiyama. Non-Final Act. 31–33.

Claims 16, 17, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Nishiyama, Wright, White, and Shet. Non-Final Act. 33–42.

Claims 18 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Nishiyama, Wright, White, Shet, and Hibino. Non-Final Act. 43–45.

Claims 19 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Nishiyama, Wright, White, Shet, and Pfleger (US 8,161,072 B1; issued Apr. 17, 2012 (filed Nov. 20, 2009)). Non-Final Act. 45–48.

Issues on Appeal

Did the Examiner err in finding that the combination of White, Hibino, and Wright teaches or suggests "sizing a multi-dimensional icon in the multi-dimensional representation of the search query space," as recited in claim 1?

Did the Examiner err in finding that the combination of White, Hibino, and Wright teaches or suggests "generating a search query based on . . . [the] size of the icon in the multi-dimensional representation of the search query space," as recited in claim 1?

Did the Examiner err in finding that the combination of Nishiyama, Wright, White, and Shet teaches or suggests "wherein an associated time and

location of the icon defines a time and location of the search," as recited in claim 16?

ANALYSIS

Claims 1 and 20

Appellants argue independent claim 1 and commensurately recited claim 20 together. Br. 7–10. Appellants set forth no independent arguments with respect to claims 3–7, 10–15, and 22–34, which depend from claims 1 and 20. *See id.* Accordingly, claims 3–7, 10–15, 20, and 22–34 stand or fall with claim 1.

Appellants contend the combination of White, Hibino, and Wright fails to teach or suggest "sizing a multi-dimensional icon in the multi-dimensional representation of the search query space," as recited in claim 1. Br. 7–8. Specifically, Appellants contend Hibino teaches adjusting a slider and "[a]djusting a 'slider' is not analogous to sizing a multi-dimensional icon." *Id.*

The Examiner finds White teaches positioning a multi-dimensional icon in a multi-dimensional representation of a search query space. Non-Final Act. 4 (citing White ¶ 23). The Examiner further finds Hibino teaches displaying a slider for specifying a range of values. Non-Final Act. 6 (citing Hibino ¶ 76). In addition, the Examiner finds Hibino's slider is displayed as a two-dimensional rectangle and, therefore, Hibino teaches that the slider is a multi-dimensional icon, as required by claim 1. Ans. 5.

Moreover, the Examiner finds Hibino teaches the user can modify the range of values by adjusting an endpoint of the slider. *Id.* The Examiner reasons:

> The graphical method of "sizing" a rectangular icon such as used in the application's drawings, for examination purposes, is interpreted to mean moving at least one of its bordering edges to specify a quantity that corresponds to the size.
>
> The graphical method of "sizing" a rectangular "slider" icon on a computer display monitor in Hibino Fig. 3 at p. 78 is analogous, where the position of the slider button is moved to set an endpoint of a rectangular "ruler bar" that is made to be either shorter or longer to specify a quantity, as when setting speaker volume by moving the slider button on a volume control slider icon on a GUI.

Ans. 4.

We agree with the Examiner's findings and specifically, determine the Examiner's findings are reasonable and consistent with Appellants' Specification. *See* Spec. 12:9–11; Figs. 4–6. Although Appellants contend that "claim construction involves little more than the application of the widely accepted meaning of 'sizing an icon' to the claim" and that "[w]hen this is done, it is clear no reference, alone or in combination, teach[es] or otherwise suggests the Applicant's claim limitation of sizing a multi-dimensional icon in the multi-dimensional representation of the search query space" (Br. 8), Appellants fail to direct our attention to an explicit definition within their Specification or any evidence showing the Examiner's construction to be unreasonable. Instead, Appellants' Specification simply states "[t]he user also may appropriately size the icon to indicate features of a search query, for example, to depict a possible range of one of the multidimensional parameters." Spec. 12:9–11. Further, Figures 4–6 of Appellants' Specification depict the multi-dimensional icon as a two-dimensional rectangle. As such, we are not persuaded the Examiner erred.

Appellants also contend the combination of White, Hibino, and Wright fails to teach or suggest "generating a search query based on . . . [the] size of the icon in the multi-dimensional representation of the search query space," as recited in claim 1. Br. 8. More specifically, Appellants contend Hibino's teaching of adjusting a button or slider to specify a desired range for a query filter does not teach or suggest generating a search query based on the size of the icon, as required by claim 1. *Id.* at 9.

We do not find Appellants' contention persuasive. The Examiner finds, and we agree, Hibino teaches that as users adjust any query filter (e.g., move an endpoint of a displayed slider), queries are incrementally specified and refined and users see the direct correlation between adjusting values of query parameters and the corresponding display of results. Ans. 7. We also agree with the Examiner's finding that:

> A query that is "specified" is a query that is "generated." "Incrementally" specified is disclosed in Hibino as incrementally changing the size of the slider filter icon by graphically moving the slider button on the GUI, each sizing movement regenerating the query with a change in a query parameter's quantitative value that corresponds to the quantitative size change.
>
> Additionally, to produce a "display of results" requires that a search query has been generated and executed.

Ans. 7. Accordingly, we are not persuaded the Examiner erred.

For the foregoing reasons, we are not persuaded the Examiner erred in rejecting claim 1 and claims 3–7, 10–15, 20, and 22–34, which fall with claim 1.

Claims 16 and 35

Appellants argue claim 16 and commensurately recited claim 35 together. Br. 10–11. Appellants set forth no independent arguments with respect to claims 17–19 and 36–38, which depend from claims 16 and 35. *See id.* We select claim 16 as representative. 37 C.F.R. § 41.37(c)(1)(iv). Accordingly, claims 17–19 and 35–38 stand or fall with claim 16.

Appellants contend the combination of Nishiyama, Wright, White, and Shet fails to teach or suggest "wherein an associated time and location of the icon defines a time and location of the search," as recited in claim 16. Br. 10. Appellants contend the applied references fail to teach or suggest the disputed limitation because "simply annotating by placing 'lines or other shapes' [as taught by Wright] in no way teaches or otherwise suggests an associated time and location of the icon defines a time and location ***of the search***." Br. 11.

We are not persuaded by Appellants' arguments. The Examiner finds Wright teaches representing events within an X, Y, T coordinate space, in which the X, Y plane represents the spatial domain (e.g., geographic space) and the T-axis represents the temporal (e.g., time) domain. Non-Final Act. 34–35 (citing Wright, Fig. 4; ¶ 91). The Examiner further finds Wright teaches that geographic and time contexts are navigated through user input events and that simultaneous spatial and temporal zooming can be used to enable the user to quickly move to a context (e.g., time and location) of interest. Non-Final Act. 35 (citing Wright ¶¶ 86, 179). The Examiner further finds Wright teaches an interactive search process and use of icons to represent data objects and show data objects' positions in the multi-dimensional search space. Ans. 8 (citing Wright ¶¶ 81–106). Thus, the

Examiner finds Wright teaches or at least suggests the disputed limitation. Appellants have not persuasively addressed the Examiner's findings.

Accordingly, we are not persuaded the Examiner erred in rejecting claim 16 and claims 17–19 and 35–38, which fall with claim 16.

DECISION

We affirm the Examiner's rejection of claims 1, 3–7, 10–20, and 22–38 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED